

	UNCLASSIFIED		CONFIDENTIAL		SECRET
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EXECUTIVE SECRETARIAT**Routing Slip**

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TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	D/DCI/IC		X		
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/NI				
9	GC	X			
10	LC		X		
11	IG		X		
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	A/DCI/PA				
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
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SUSPENSE _____ Date _____

Remarks:

Info addressees have cover memo only,
and of the AG's letter of transmittal to the House.
Copies of the bill will be available after it
is introduced.

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3637 (5-77)

DOJ Review Completed



Office of the Attorney General
Washington, D.C.

77-963/10

OLC #77-2073

May 18, 1977

Honorable Stansfield Turner
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

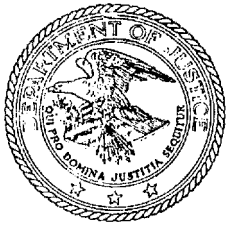
Dear Stan:

Enclosed is a copy of the proposed legislation on electronic surveillance for foreign intelligence purposes which has been transmitted to Congress today. I would like to express my personal appreciation for your many valuable efforts contributing to the drafting of this complex and important legislation.

Yours sincerely,

A handwritten signature in cursive script that reads "Griffin B. Bell".

Griffin B. Bell
Attorney General



Office of the Attorney General
Washington, D. C. 20530

May 18, 1977

The Speaker
House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed for your consideration and appropriate reference is a legislative proposal to require a judicial warrant for all electronic surveillance within the United States conducted for foreign intelligence purposes. This proposal is designed to make unlawful the kinds of abuses of national security electronic surveillance that have occurred in the past, while clearly establishing the legality of electronic surveillance for intelligence purposes in limited circumstances.

Last year, similar legislation was reported favorably by the Senate Committee on the Judiciary and the Senate Select Committee on Intelligence. This proposal would, however, go beyond the protections afforded to U.S. citizens and permanent resident aliens in last year's bill in three major respects: First, the proposal ensures that persons in the United States cannot be targeted for electronic surveillance without a judicial warrant. Last year's bill did not extend the warrant requirement to NSA "watch listing" of American citizens. Second, the proposal contains no reservation of any inherent power of the President to conduct electronic surveillance for intelligence purposes without a judicial warrant. Third, whenever a United States person is targeted for electronic surveillance, the proposal authorizes judicial review of the Executive's certification that the information sought is foreign intelligence information.

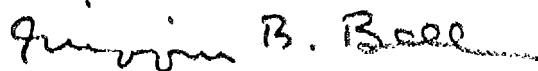
The submission of this proposal by no means terminates the Administration's commitment to a thorough and continuous review of intelligence practices and procedures. This review will move forward in close consultation with interested members of Congress. Work is already in progress to draft legislation safeguarding the rights of Americans outside the United States

in connection with electronic surveillance for both intelligence and law enforcement purposes, an area of concern not covered by the enclosed proposal. In addition, the Administration is beginning a review of the espionage laws currently in force, with an eye toward eventual revision and modernization of those statutes. At such time as the espionage laws are rewritten in a manner which effectively criminalizes hostile intelligence activities without jeopardizing First Amendment freedoms, it may be possible to eliminate even the extremely limited provision in the enclosed proposal which permits surveillance of U.S. persons engaged in acts which are not clearly prohibited by current criminal law. Finally, the Administration is committed to providing the appropriate committees of Congress with all information necessary for effective oversight of intelligence activities by the Legislative Branch.

This proposed legislation is needed to fully assuage public fears of the potential for abuse in electronic surveillance for intelligence purposes, and to provide officers and employees of the Executive Branch with definite guidance as to the range of permissible activities. I, therefore, urge the early consideration and adoption of this legislative initiative.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the program of the President.

Yours sincerely,



Griffin B. Bell
Attorney General

Enclosure